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## *Memorandum*

TO: Planning Committee

DATE: November 7, 2008

FR: Deputy Executive Director, Policy

W. I.

RE: Review of Attorney General's Comments on the Notice of Preparation for the Draft Transportation 2035 Plan Program EIR

Earlier last month staff forwarded you a letter we received from the Attorney General's (AG) office commenting on our upcoming Transportation 2035 Plan (RTP) and draft EIR.

As you may know, the AG's office has had a specific interest in ensuring that environmental analyses prepared for major transportation plans and projects adequately address green house gas (GHG) emissions, as they relate to the ability to achieve emission reduction targets included under AB 32, the state's climate change initiative. Since the adoption of AB 32, several MPOs have received comment letters, so communication from the AG's office was not unexpected.

While the letter extended compliments to MTC on our forward looking proposals in T-2035 for climate change supportive investments, the AG wants to know more about our EIR methodology and some of our assumptions. While the comments received by the AG were on the Notice of Preparation, which were due more the 6 months ago, we expect they are a preview of what we can expect on the draft EIR. We therefore asked to meet with the AG's staff to clarify their comments and to identify appropriate responses or additional steps that we may plan to take; the meeting occurred on October 31, 2008 at the AG's offices.

Listed below is a brief summary of the issues discussed with the AG staff and how MTC staff is prepared to proceed:

1. Committed Funding – AG staff suggested that we consider assessing the impacts of directing additional committed RTP funding to transit maintenance shortfalls. We believe that the EIR alternatives currently under evaluation will provide sufficient information to describe expected impacts of redirecting additional committed funding as requested by the AG staff; in addition we will assess the feasibility of this given the limited discretion MTC has to redirect much of this committed RTP funding.
2. Methodology – the AG asked for more explanation on the methodology to be used. The RTP EIR will include full disclosure on methodology and data assumptions used to assess alternatives.
3. HOT Network – the AG staff requested more information describing the benefits of the HOT Network. While we think it inappropriate to single out impacts of individual projects and programs in a program EIR, the RTP document will include a full description of the proposed HOT Network. In addition, MTC staff is completing a supplemental HOT Network report that will be directly referenced in the RTP, that will provide more detailed information for those interested.

We currently expect the RTP and RTP EIR documents to be released next month for a 45-day comment period. We look forward to further communication with the AG's office and others during the comment period and will provide the Commission with a full accounting of RTP and RTP EIR comments received and our responses prior to a scheduled March 2009 adoption.

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Therese McMillan

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